

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

UNITED STATES OF AMERICA et al)

vs)

IRAKI, SADAO et al)

STATE DEPOSITION

DEPONENT: MATSUMOTO, Shunichi

I, Shunichi Matsumoto, state under oath as follows:

I was born in 1897. My present address is Yukiya-machi, Ota-Ku, Tokyo.

I entered the Foreign Office in 1921 after graduating from the Tokyo Imperial University, Faculty of Law. After serving in the Embassy of Brussels, the Consulate at Antwerp, Belgium, and in the Treaty Department of the Foreign Office, etc. I was in Paris from 1930 to 1933 in the post of Secretary to the Embassy in France and concurrently as Secretary to the Imperial Japanese Bureau of the League of Nations. In 1933 I became the Chief of the Second Section, in 1936 of the First Section of the Treaty Department, and in 1937 I became the Chief of the Personnel Section of the Foreign Office. In March 1940 I was sent to Hankow, China, as Councillor to the Embassy in China. I returned to Japan in September of the same year to become Chief of the Treaty Department of the Foreign Office, in which post I stayed until November 1942, when I was appointed Vice Minister for Foreign Affairs.

I attended during my activities in the Foreign Office the following important international conferences in the capacity of member of the Japanese delegations:

Committee for the Revision of International Laws of War at the Hague, 1922,

Conference for Compiling International Law at the Hague, 1930.

International Committee for Aviation, 1930,

12th Session of the General Assembly of the League of Nations, in Geneva, 1931.

13th and the Extraordinary Sessions of the General Assembly of the League of Nations, in Geneva, 1932.

International Economic Conference, in London, 1933.

In September 1940 I was recalled to Tokyo from my post as the Councillor of the Japanese Embassy in China and was appointed Director of the Treaty Department of the Foreign Office.

When I heard from Foreign Minister Matsuoka matters concerning the Japanese-German negotiations for the Tripartite Pact and was ordered by him to participate in them, a rough draft of the Pact had already been drawn up on the basis of conversations between Foreign Minister Matsuoka, Mr. Stahmer and Ambassador Ott. I participated thereafter in the technical redaction of details etc. until the conclusion of the Pact on 27 September. As far as I know, the negotiations for the Tripartite Pact were conducted on the Japanese side almost

entirely by Foreign Minister Matsuoka alone, only Mr. Hyoei Saito, the Advisor to the Foreign Minister, and I advising him on technical matters.

The main purpose of the Tripartite Pact was, according to explanations given by Foreign Minister Matsuoka at that time on the meeting of the Privy Council etc., to restrain and check the United States of America to prevent her participation in the war against Germany, and at the same time to avoid the danger of a Japanese-American war.

3. As to the interpretation of the Tripartite Pact, the opinion held at that time by the Foreign Office, which should be considered as the official interpretation of the Pact, was as follows:

(1) In Articles I and II Japan promised to recognize and respect the leadership of Germany and Italy in the establishment of a new order in Europe, and Germany and Italy promised to recognize and respect the leadership of Japan in the establishment of a new order in Greater East Asia.

These articles must be read together with the preamble of the Pact. Therefore, the "new order" mentioned in these articles is a "new order of things calculated to promote mutual prosperity and welfare of the people within the region" as stated in the preamble, and the "leadership" refers to that of those responsible for bringing about and maintaining that new order. These articles were of extremely political nature, and it must be said that their legal binding effect would depend upon the actual political situation.

(2) Article III stipulates that the Contracting Parties undertake to assist one another with all political, economic and military means when one of the three Contracting Parties is attacked by a power not involved in the European War or in the Sino-Japanese Conflict. This is the most important article of this Pact.

As to the procedure to determine the existence of an "attack" which would make the obligation for assistance effective, it was stated in the letter addressed from Ambassador Ott to Foreign Minister Matsuoka on the occasion of the exchange of letters in Tokyo on the day of the conclusion of the Pact that "it is needless to say that whether or not a Contracting Party has been attacked within the meaning of Article III of the Pact shall be determined by consultation among the three Contracting Parties". If the three powers could agree in this consultation, the Japanese Government considered it quite natural that each Contracting Party as a sovereign state could decide independently as to the existence of the attack. Besides, the consultation on such an occasion was to have taken place directly between the governments of the three Contracting Parties, and did not fall within the competence of the Commissions of Article IV as mentioned below.

In connection with this article the original German draft contained the words "attacked either openly or covertly", as well as the stipulation that the Contracting Parties "undertake to declare war" on aggressor power when the existence of the attack had been recognized. These words were withdrawn upon request of the Japanese side. As the Japanese Government did not want to be drawn into the European War as a result of the Tripartite Pact, it was its intention to take an interpretation as limiting as possible concerning the existence of the attack.

(3) Article IV is a stipulation concerning the setting up of Joint Commissions of the three powers with a view to implementing the Pact. The Japanese Government considered, however, from the beginning that these Commissions were nothing but means for propaganda, and attached no practical importance to them. In the above-mentioned letter of Ambassador Ott addressed to Foreign Minister Matsuoka it is stated that the conclusions of the Technical Commission should be submitted to the respective Governments for approval in order to be put in force, thus clarifying that the Commissions had no power to decide anything.

(4) In Article V it is established that the aforesaid terms do not in any way affect the political status which exists as between each of the three

Contracting Parties and Soviet Russia. This article was inserted upon request of the German side just as it stood in the original German draft. It clarifies above all that the Tripartite Pact does not affect in any way the German-Russian Non-Aggression Pact, and stated at the same time the political desire of the three Contracting Parties for maintaining and improving friendly relations with Soviet Russia. In the above-mentioned letter from Ambassador Ott to Foreign Minister Matsuoka Germany promised with regard to Japanese-Russian relations that "Germany will do everything within its power to promote friendly understanding and will at any time offer its good offices to this end."

(5) Article VI and the following provisions are usual, formal stipulations. That no provision for abrogation of the Pact was made, is quite common in such political treaties as this.

(6) In this Pact an article to conclude no separate peace in case of war, as provided in the treaty of mutual assistance between Great Britain and Poland of 25 August 1929 and between Great Britain, France and Turkey of 19 October 1939, was not inserted. In this connection, Foreign Minister Matsuoka explained that no article for no-separate-peace was provided as this Pact did not aim at a war.

4. On the day of the conclusion of the Tripartite Pact exchange of three kinds of letters took place in Tokyo between Foreign Minister Matsuoka and Ambassador Ott.

(1) The first kind of letter was a summary of the results of conversations between Foreign Minister Matsuoka, Stahmer and Ott with regard to the interpretation of the Pact etc. Japan first proposed to give it a form of a secret protocol; however, upon opposition from Germany, it took ultimately such a form as this. The original draft was dictated by Ambassador Ott to me. That the Japanese Government considered as most important in its contents was, as mentioned above, the paragraph concerning the interpretation of Article III, and the Japanese Government thought to have made thoroughly clear by this paragraph that the existence of the "attack" should be decided independently by each of the Contracting Parties.

(2) The second kind of letter concerned the attitude of Germany in case of an armed conflict between Japan and Great Britain. As under the circumstances at that time one could not ignore the possibility of an armed conflict between Japan and Great Britain, Japan proposed to Germany that, in that case also, despite the stipulation of Article III of the Pact, Japan expected the assistance of Germany.

(3) The third kind of letter was concerning the former German Colonies actually under Japan's Mandate in the South Seas. It is an established theory of international law that the mandate cannot be considered as the cession of territory; therefore, Japan wanted to clarify her territorial title of these former German colonial islands by setting out that these islands were ceded by Germany to Japan. Germany wanted perhaps, as we believed at that time, on the one hand to settle the question politically by ceding these islands to Japan for a nominal compensation, on the other hand to utilize this matter as an argument for successfully claiming the return of colonies in other parts of the world.

(4) These exchanges of letters were understandings between Japan and Germany only. They were not communicated to Italy in accordance with Germany's desire.

There were no secret agreement etc. between Japan, Germany and Italy other than these exchanged letters.

O A T H

In accordance with my conscience I swear to
tell the truth withholding nothing and adding nothing.

/s/ MATSUOTO, Shunichi

(Seal)

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極東國際軍事裁判所

亞米利加合衆國其他
對

荒木貞夫 其他

宣讀供詞書

供述者

松本俊一

No. 1

松本俊一、宣誓、上、通陳述スル。
一、明治三十年（八十七年）生、東京、都大田、田舎、谷
町、三居住、ニ、居ル。

私、大正十年（九二年）東京、帝國大學、法學部、卒業
後、外務省、入リ、在、ロンドン、大使館、在、ア、ベル、又、領事館
外務省、條約、局、等、ニ、歴任、シ、後、昭和三十五年（九三〇年）ヨリ
同、年（二三三）^{（二）}任、佛國、大使館、書記官、並、帝國、國際
聯盟、事務局、長、ト、シ、在、勤、シ、タ。昭和八年（九三三年）

條約、局、才、二、課、長、同、土、年（九三三年）同、局、才、（課、長、同、十二
年（二三三年）人事、課、長、ト、シ、在、勤、昭和三十五年
三月（九四〇年）任、中國、大使館、參事、官、ト、シ、在、南京、ニ、駐在、同
年、九月、歸、朝、上、外務省、條約、局、長、ト、シ、在、勤、同、十七年（九四三年）
十月、外務省、次官、ニ、任、セ、ラ、レ、ト、シ、其、職、ニ、在、タ。

私、が、外務省、在、職、中、帝國、代表、團、員、ト、シ、出席、シ、タ、タル、國
際會議、ハ、左、通、テ、ル。

大正十二年（九三三年）「ヘーグ」ニ、於、テ、ル、戰、時、法、規、改正、委員會、
昭和五年（九三〇年）「ヘーグ」ニ、於、テ、ル、國際、法、學、博、覽、會、議、
同年、國際、航空、委員會、

昭和六年（九三二年）「ヘーグ」ニ、於、テ、ル、國際、聯盟、總、會、才、十二
回會議、

昭和七年（九三三年）「シエネー」ニ、於、テ、ル、國際、聯盟、總、會、才、十三
回會議、及、同、臨時、總、會、

昭和八年（九三三年）倫敦、ニ、於、テ、ル、國際、經濟、會議、

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二昭和十五年(一九四〇年)九月私、在中国大使館
参事官ヲ歸朝ヲ命ゼラレ、外務省條約局長ニ
任命セラレタ。私、松岡外務大臣カラ三国條約ニ
関スル日獨間ノ交渉話ヲ聞キ、之ニ関與スルコトヲ
命ゼラレタ時ハ、既ニ同外相ト「スクリム」氏及「ボット」
大使ト、話合ニ基キ大體ノ條約案ガ出来ニ居タ。
私、夏ノ後九月二十七日、同條約締結ニ至ル迄、細
部ノ技術的「レダウ」ニヨリ等ニ関與シタゲル。
三国條約ノ交渉ハ私、知ル限、日本側デハ殆ト松
岡外相独リノ手ヲ行ハ、音藤良衛顧問同及私ガ
技術的方面デ之ニ参劃シタニ過ギナ。

三国條約ノ主ナル目的ハ、當時松岡外務大臣
樞密院其地デ説明シタトコロニ依リ、米國ヲ牽
制シ、其、對独参戰ヲ防止シ、併セテ日米戰ノ危險ヲ
回避スルニ在ッタ。

三三国條約ノ解釈ニ付テハ、當時外務省、自解
ハ左通デア知ルハ、即チ日本政府、公式解釋ト認メ
キテアル。

一) 第一条及第二条ニ於テ日本ハ、歐洲ニ於ケル新秩序建設ニ関シ
独伊ノ指導的地位ヲ、獨伊ハ、大東亞ニ於ケル新秩序建設
ニ関シ日本ノ指導的地位ヲ認メ且尊重スルコトヲ約シ
タル。即チ本條ノ新秩序トハ、其ノ文ニ在リ、其ノ地ニ於テ
「当該民族ノ秩序」ニ對シテ、實ニ「其ノ地ニ於テ」
ノ意味ヲテリ、又指導的地位トハ、右新秩序建設及維持、
主ナル責任者トシテ意味テアル。之等ノ條文ハ、極ニ政治的

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性質、モテ、其、法律の拘束力、現實、政治的情勢如何ニ繫ルモノト云フベキナリ。

(三) 第三條ハ三締約國中、一國ガ歐洲戰爭又ハ日支紛争ニ參加シテ居ナク、一國ヨリ攻撃セラレ、時ハ三國ハ有ラレ、政治的、經濟的及軍事的方法ニ依リ相互援助スベシト規定テ之ガ本條約ノ眼目ナリ。

此援助義務發生ノ原因トナルベキ「攻撃」存在如何ニ決定スルヤニ付テハ三國條約締結當日東京ニ於テ

松岡大臣トオボシ大使トノ間ニ交換セラレタ文書中、オ

ト大使ヨリ松岡大臣ニ宛テタ書翰ニ於テ、「締約國ガ條約

第三條ノ意義ニ於テ攻撃セラレタリヤ否テハ三締約國間、

協議ニ依リ決定スラルベキト討論スル速ニテ居ル。此協

議ニ於テ三國ノ意見ガ一致ナカシ場合ハ日本政府トミテハ當

然各締約國ガ主權國トミテ自主的ニ攻撃ヲ存否ヲ認定

スルモノト考ヘテ居タ。猶此際、協議ハ三締約國政府

間ニ直接行ハルベキモノデ後述第四條、委員會、所管

スルトコロナカシ。

此條文開ス當初、獨逸側提案ニハ「公然又ハ隱密、形

狀ニ於テ」「攻撃ト云フ文字ガナリ又攻撃ナリト認定ミタ

時ハ締約國ガ攻撃ノ國ニ對シ宣戰スベキ義務ヲ負フ、

字句ガツカ日本側ヨリ要求ミテ之ヲ撤回セシメテナリ。

日本政府トミテハ三國條約ノ結果歐洲戰爭ニ捲キ込ミ

度、ナカシ、ト攻撃「」存否認定ニ當リテハナルベシ制限

的、解釋ヲ採ル考テナシ。

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(三) 第四條：條約簽字，為三國混合專門委員會設置問題規定之，日本政府トシテ、該委員會ト當初、其發言傳ト手段トヲ考ヘ、トテ居ラス、實際的、重要性ヲ認メ、居方、前記、松岡大使發給松岡大臣宛書翰ニ於テハ、專門委員會、決定、各關係各國政府、承認、經テ、實施セシムル、ト記載ス、委員會、決定權、トイフ、明シ。

(四) 第五條：於テ、以上各條項、三締約國トシテ、聯邦ト、間、現存、政治的、狀態ニ影響、及ボ、且、確認セシム、本條、獨逸側、要求、其、獨逸側、原案、文通、挿入セシム、主、三國條約、獨逸、不侵略條約、影響、ナシ、ト、明シ、併シ、締約、三國、一、聯邦ト、及、其、關係、維持、增進、欲、政治的、意圖、明シ、タス、前記、松岡大使發給松岡大臣宛書翰ニ於テ、獨逸、日、間、關係ニ、關シ、其、力、及、限、友好的、了解、增進、セ、好、ム、且、何時、ニテ、右、目的、為、周旋、努力、シ、ト、約、シ、居、ル。

(五) 第六條：以下、通例、形式、的、規定、ス。條約、廢止、關スル、規定、設ケ、カ、ツ、タ、ハ、斯、政治的、條約、ニ、通常、ト、ス。

(六) 猶、本條約、昭和十四年（一九三九年）八月二十五日、英國、ポーランド、間、同年十月十九日、英佛、ト、三、間、相互援助條約、存在、如、戰爭、場合、單獨、不、嫌、和、條項、ヲ、設ケ、カ、タ、之、付、松岡大臣、本條約、戰爭、目的、ト、違、ハ、タ、ス、特、此、單獨、不、嫌、和、條項、ヲ、設ケ、カ、タ、ト、説明、シ、タ。

四、三國條約、締結、當日、東京、於、松岡大臣ト、ナ、ト、大使、

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間ニ三種類ノ文書、交換カ行ハル。

(一) 其、第一種ハ條約、解釋等ニ関ス、松岡大臣「スター」及オット、會談ノ結果ヲ摘要シタモノ、日本側ハ當初之秘密議定書トスルコトヲ提議シタデ、獨逸側反對依リ斯ニ形式ナラシメ、其、原案ハ「オット」大使ガ私ニ口授シタルアル其内容中日本政府ガ特ニ重視シタル、前出ノ條約第三條、解釋ニ関スル條項ヲ日本政府トシタル之ヲ「攻撃」存在ヲ締約國ガ自主的ニ決定スル言フ見解ヲ徹底セシメ、モノト解シテ居タリ。

(二) 其、第二種ハ日英武力紛争ノ際、獨逸ノ態度ニ関スルモノ、當時情勢トシテハ、日英間ノ武力紛争ノ可能性絶無トハ言ヒ難カシタデ、日本トシテハ其場合ニ於テ毛條約第三條ノ規定ニ拘ハラズ、獨逸ノ援助ヲ期待スル旨ヲ申入シタリ。

(三) 其、第三種ハ、南洋ニ於テ、日本ノ委任統治下ニ在リ舊獨逸殖民地ニ関スルモノデアル。委任統治ニ付テハ、國際法上受任國ニ對スル領土ノ割讓ノ見ルヲ得ナイトスルガ定説ナリ。日本トシテハ之等舊獨逸領島嶼ニ関シ獨逸カラ割讓ヲ受ケ、コトニテ其領土権ヲ明ニシ置キ度キニ欲シタリ、獨逸トシテハ之等島嶼ヲ名目ナク代償ニ日本ニ讓渡スルコトヲ、本件ヲ政治的解決スルト共ニ世界ノ他ノ方面ニ於テ殖民地位恢復ヲ要求スル貫徹ノ伏線ニシヤウトシタモノト思ハレ。

(四) 之等ノ交換文書ハ、日獨間ニテ了解ヲ伊太利ニハ獨逸ノ希望ニ依リ通報セシナカシ。

之等ノ交換文書以外ニ日獨伊間ニハ何等ノ秘密ナク約束公カシ。

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昭和二十三年（一九四七年）四月二十五日於東京

供達者 松本俊一 

右ハ當立會人、面前ニテ宣誓シ且、
署名捺印シタルコトヲ證明シ又

同日 於同所

立會人 牛場信彦 

No. 7

No. 8

Ms. A. 1547

宣哲書

良心に従ひ眞實に述べ何事をも隠蔽
せず又何事をも附加せざることヲ誓フ

(署名印) 松本俊一

